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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,027	10/31/2003	Kazuo Okada	SHO-0043	1099
23353 7590 02/19/2010 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 02/19/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,027

Applicant(s)

OKADA, KAZUO

Examiner

RYAN HSU

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

In response to the amendments filed on 10/26/09, claims 1-2 and 11-19 have been canceled without prejudice and claims 20-23 have been newly added. Claims 20-23 are pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and further in view of Uchiyama et al. (US 6,638,165 A).

Regarding claims 20, Miur et al. teaches a gaming machine comprising: a variable display device for variably displaying symbols (*see [0006-0012]*). Additionally, Muir discloses a front display device disposed in front of the variable display device wherein the front display device includes a transparent liquid crystal display panel through which the variable display device is able to be seen (*see element 16 of Fig. 8*). This is shown through Muir's incorporation of light transmitting symbol which can appear through the transparent LCD (light crystal display panel) device or may display symbols in place of the symbols on the variable display device (*see Figs. 6-7 and the related description thereof, [paragraph [0011, 0018, 0022-0029], [0051-0053]*). Additionally, Muir teaches the display device to incorporate a light guiding plate between the variable display device and the liquid crystal panel, the light guiding plate made up of a light transparent panel for guiding light emitted from a light source situation lateral to the

light guiding plate to the entire of the transparent liquid crystal display panel, the light guiding plate provided with an opening in an area at which the symbols of the variable display device are displayed through the transparent liquid crystal display panel so as to decrease obstacles between the transparent liquid crystal display panel and the variable display device in order to ensure visibility of the symbols variably displayed on the variable display device (*see paragraph [0014-0017]*). Finally, Muir teaches a transparent liquid crystal display panel, the diffusion sheet and the light guiding plate to be arranged in a facially-opposed sequential manner such that the diffusion sheet [76] is disposed between the transparent LCD panel [50] and the light guiding plate [64,66] and the light guiding plate [64, 66] is disposed between the diffusion sheet [76] and the variable display device [18] (*see Fig. 8 and the related description thereof*). However, Muir is silent with respect to teaching symbols from to variably move about the screen.

In an analogous gaming patent, Uchiyama teaches another example of a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches in addition to the features of Muir a video display device is capable of displaying light transmitting symbols that can variably move about the screen (*see col. 12: ln 21-col. 13: ln 40*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Regarding claims 21-23, Muir teaches a gaming machine where the diffusion sheet is disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet is disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet for diffusing the light toward the transparent liquid crystal display panel, the light having been guided by the light guiding plate, the diffusion sheet provided with an opening corresponding to the opening of the light guiding plate so that the symbols on the variable display device are displayed on the transparent liquid crystal display panel through the opening of the light guiding plate (*see Fig. 8 and the related description thereof*). Additionally, Muir teaches a gaming machine that includes a reflection plate disposed between the light guiding plate and the variable display device, the reflection plate for reflecting the light on the transparent liquid crystal display panel, the light having been emitted from the light source to the light guiding plate, the light having been emitted from the light source to the light guiding plate, the reflection plate provided with an opening corresponding to the opening of the light guiding plate so that the symbols on the variable display device are displayed on the transparent liquid crystal display panel through the opening of the light guiding plate (*see element [78, 64, 60, and 80] of Fig. 8 and the related description thereof*). Furthermore, Muir teaches a variable display unit that contains all the limitations of the instant claims however they are not necessarily in the direct order in which the current limitations have specified such as an illumination part disposed between the rear face of the light guiding plate. Such differences do not effect the effect between the prior art and the instant invention. For example, having a light source layer either before or after or lateral to the light guiding plate would not affect the overall output or create a novel appearance created by such a design with respect to the illumination

plate that would produce an unexpected result. Therefore it would have been an obvious matter of design choice to one of routine skill in the art to select where the light source layer would occur. Additionally, the instant claims are directed towards attributes that are inherent with a light guiding plate. When a solid object is placed in front of a lighted area, only the places where an opening exists will light be projected out of the source. Thus it would have been obvious to one of ordinary skill in the art to produce the expected result that using a light guiding plate would allow for the light to reveal the reels would be projected to provide the user the ability to see the reels of a gaming machine.

Response to Arguments

2. Applicant's arguments filed 10/26/09 have been fully considered but they are not persuasive. The applicant's representative argues that Muir (herein' referred to as D2) that the monitor housing [60] fails to meet the limitations of a light guiding plate [39g] with transparency because it does not provide the player with a "partially provided with the opening through which the symbols can be viewed". Examiner respectfully disagrees. The monitor housing as referenced in Muir provides a plate that has partially transparent areas which provide an opening from which the symbols can be viewed. The applicant's representative argues that the present invention produces an effect that the symbols can be more clearly viewed. The applicant rests this logic based upon the liquid crystal shutter and that the plate is attached in the monitor housing. The Examiner respectfully disagrees with this characterization as all that is required by the scope of the instant claims is that the symbols be displayed on the variable display device from behind the transparent liquid crystal display. Furthermore, the shutter disclosed is but one embodiment of the prior art of Muir where in paragraph [0014] is it taught that the illumination

of the device and transparency of the LCD display is made transparent so that the symbols may be clearly displayed. Additionally, the shutter acts as a method to provide the symbols from the LCD screen to be more clearly displayed where as the openings and the transparent layer and illumination layers as specified in the rejection above are directed towards the variable display symbols to be clearly displayed to the user. Thus the Examiner has maintained the position that the prior art of Muir obviates the limitations as specified in the claims of the instant invention.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

RH
February 10, 2010